

Clarke County

Planning Commission
Regular Meeting Minutes
February 7, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, February 7, 2014.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Randy Buckley, Scott Kreider, Doug Kruhm, Tom McFillen, Cliff Nelson, John Staelin, Chip Steinmetz and Jon Turkel.

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:00 a.m.

Chair Ohrstrom introduced Randy Buckley to the Planning Commission. He stated that Mr. Buckley is replacing former Commissioner Clay Brumback. Chair Ohrstrom and the Commission welcomed Mr. Buckley as the new Commissioner from the White Post Electoral District.

The Commission voted unanimously to change the Agenda to include reading the Resolution of Appreciation for Clay Brumback as the next item on the Agenda.

Yes: Bouffault, Buckley, Caldwell, Kreider, Kruhm, McFillen (moved), Nelson, Ohrstrom, Staelin, Steinmetz and Turkel (seconded)

No: No one

Presentation of Resolution of Appreciation to Clay Brumback

Chair Ohrstrom recognized Clay Brumback for his time on the Planning Commission. Mr. Brumback was unable to attend today's meeting but Chair Ohrstrom read a Resolution of Appreciation for Mr. Brumback's years of service to the Planning Commission.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda as modified.

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz and Turkel

No: No one

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of January 7, 2014.

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz and Turkel

No: No one

The Commission voted to approve the regular meeting minutes of January 10, 2014 with one correction.

Yes: Bouffault, Buckley, Caldwell (seconded), Kreider, Kruhm, McFillen, Nelson (moved), Ohrstrom, Staelin, Steinmetz and Turkel

No: No one

SPECIAL USE PERMIT REVOCATION REQUEST – PUBLIC HEARING

Shenandoah University requests the revocation of a special use permit (SUP) per §5-C of the Zoning Ordinance. The SUP was issued by the Board of Supervisors in 1989 to operate the former Virginia National Golf Course which has since been discontinued. The subject properties are identified as Tax Map #17A1-A1-B and 17A1-A1-C, are located on Parker Lane in the Buckmarsh Election District, and are zoned Rural Residential (RR).

Mr. Stidham stated that Shenandoah University is the recipient of a gift of property from the National Civil War Battlefield Trust. He said that under this agreement between the Trust and Shenandoah University, the property cannot be used for commercial purposes including golf courses. He stated that the golf course was discontinued over a year ago and the University has no plans to continue the golf course operation. He said that since the property can no longer be used as a golf course and must remain as a preserved battlefield (Battle of Cool Spring) along with limited educational uses under the terms of the aforementioned agreement, the SUP would no longer apply to the current owners and it would not be appropriate for the County to continue honoring the SUP. He stated that the University has provided a letter formally requesting the revocation of the SUP. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing. Chair Ohrstrom asked the Commission if there were any further comments and there being none Chair Ohrstrom called for a motion.

The Commission voted to approve the revocation of the Special Use Permit for the golf course and forward this matter to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz and Turkel (seconded)

No: Kruhm

SITE PLAN REVIEW – PUBLIC HEARING

SP-13-11, Robert Claytor (Dollar General). Request approval of a Site Plan to construct a new 9,100 square foot retail store (Dollar General) for the property identified as Tax Map #28-A-20G.

Mr. Russell stated that at the January meeting the Commission set public hearing for this request. He said that since that time the County's engineering consultant and geotechnical engineer have provided comments along with Staff recommendations regarding revisions to the submitted Site Plan. He said that the revised Site Plan was received on January 29 but failed to include all revisions. He said that he had provided a copy of a letter from Maral Kalbian, the County's Historic Consultant to the Commission. He stated that in the letter Ms. Kalbian commented on the following items:

- The proposed design does not appear to be consistent with the Design Criteria related to proportion of ratio of space to void;
- Scale as it relates to door and window openings;
- Openings in general;
- Rhythm of architectural elements; and Details.

He said she also mentioned in her letter that these items are all generally related to the fact that the building has large expanses of blank walls. Mr. Russell stated that these comments are not required and are only suggestions. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted unanimously to conditionally approve this proposal subject to resolution of outstanding issues with Staff, including an unofficial request that the Applicant do their utmost to agree to potential historical adaptations to the building facade.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider (seconded), Kruhm, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz, and Turkel

No: No one

ZONING ORDINANCE TEXT AMENDMENT – PUBLIC HEARING

TA-14-01, Revocation of Special Use Permits. Proposed text amendment to amend §5-C, Revocation, of the Clarke County Zoning Ordinance. This section provides for the procedure and grounds for revocation of a special use permit (SUP). The purpose of the text amendment is to require an SUP to be presented to the Board of Supervisors for revocation upon issuance of a third Notice of Violation by the zoning administrator for violations of any one or more SUP conditions. The text amendment would also add a new subsection 4 allowing revocation in the case of violations of other provisions of the Zoning Ordinance not addressed by the SUP conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.

Mr. Stidham explained this proposed amendment. He said that this proposed text amendment was forwarded to the Planning Commission at the request of the Board of Supervisors. He stated that the purpose for this text amendment is to require a Special Use Permit (SUP) to be presented to the Board of Supervisors for revocation upon issuance of a third Notice of Violation by the Zoning Administrator for violations of any one or more SUP conditions. He stated that the Board has requested the Commission to consider adding language that would provide specificity

on the number and nature of violations justifying revocation. He said that Staff has provided draft language for consideration that would require an SUP to be presented for revocation upon the third violation of the permit conditions. After discussion with Staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to recommend approval of this proposed amendment as presented to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz and Turkel

No: No one

On motion of Commissioner Bouffault, seconded by Commissioner Turkel, the Commission unanimously approved going into Closed Session pursuant to Section 2.2-3711(A)(7) the Code of Virginia, as amended, for consultation with legal counsel regarding specific legal matters related to consideration of TA-14-02, Administrative Land Divisions.

On motion of Commissioner McFillen, seconded by Commissioner Nelson, the Commission unanimously approved reconvening in Open Session. Commissioner Caldwell moved, seconded by Commissioner McFillen, to certify that to the best of the member's knowledge:

- (i) Only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, as amended; and
- (ii) Only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, and considered in the meeting by the Authority. The vote on the above motion was:

Chair Ohrstrom	Aye
Vice Chair Caldwell	Aye
Commissioner Bouffault	Aye
Commissioner Buckley	Aye
Commissioner Kreider	Aye
Commissioner Kruhm	Aye
Commissioner McFillen	Aye
Commissioner Nelson	Aye
Commissioner Staelin	Aye
Commissioner Steinmetz	Aye
Commissioner Turkel	Aye

Chair Ohrstrom stated that the Commission has decided to send this proposed text amendment back to committee for further review. He said that the public hearing for this proposed text amendment will not be set at this time.

Board/Committee Reports

Board of Supervisors (John Staelin)

Commissioner Staelin stated that two bills before the General Assembly session could erode local government control of its zoning. He said that House Bill 268 and Senate Bill 51 propose to curtail local authority to regulate activities designated as agritourism and the BOS has already registered their objection to both bills.

Sanitary Authority (John Staelin)

No report.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that at the January 29th meeting the Commission voted for election of officers. He said that Betsy Fields was elected Chair and Robin York was elected Vice Chair of the HPC.

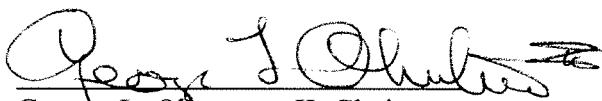
Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that Kate Petranach, the CEA fund raiser has decided to retire in the next several months. He said that the Authority will be looking for someone to replace her. He said that Kate has done an excellent job for the Authority and that they hate to see her leave.

Other Business

County Attorney Robert Mitchell was present and stated that he was asked to look at the process whereby the Planning Commission receives information on pending applications. He said after reviewing this information it is his recommendation that it would be an appropriate time to have an amendment to the Zoning and Subdivision Ordinance. He stated that this amendment would require a pre-application conference with the applicant before submission of an application for administrative approval or Planning Commission approval. He stated that once the pre-conference has been completed a report from Staff to the Planning Commission would need to be submitted at the next regular meeting of the Commission to discuss the pre-application conference. He said that the amendment to the ordinance would state that it is a requirement for a citizen to sign a form requesting a pre-application conference prior to submitting an application.

There being no further business to come before the Planning Commission the meeting was adjourned at 10:20 a.m.


George L. Ohrstrom, II, Chair
Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary